UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 August 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _98-108,110,111 and 138-151_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _98-108,110,111 and 138-151_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _18 February 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is in response to applicant's amendments and arguments filed August

20, 2008. Applicant's arguments and amendments have been considered with the

results that follow: This action contains new grounds of rejection.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 98, 100-102, 104, 107, 108, 138-141, 143-145, 148 and 150-151 are

rejected under 35 U.S.C. 102(e) as being anticipated by Fisher et al. (US Patent No.

5,835,896, filed March 29, 1996, hereinafter "Fisher").

4.   With respect to claim 98, Fisher discloses a system, comprising:

a server providing a web page accessible by customers (col. 6, lines 5-8, *an*

electronic auction system to allow a group of bidders to interactively place bids over a

computer network, i.e. the internet);

a storage device storing a program (col. 6, lines 5-8, *an electronic auction system*

to allow a group of bidders to interactively place bids over a computer network, i.e. the

internet);

a processor in communication with said storage device (*inherent to the*

functionality of a computer is a processor), said processor

operative with said program to:

receive a conditional purchase offer including an offer unit price from a customer

utilizing said web page for purchasing goods or services (col. 6, lines 34-38, *Upon*

accessing a public network and seeing an item's catalog page, the bidder may press a

button on the catalog page or take some similar action which causes a bid form to be

displayed on the screen. The bidder then enters the information necessary to place a

bid, such as their name and address, bid amount, payment information, etc., and then

presses a bid submission button, or takes a similar action which sends the bid to the

system.);

receive a payment identifier specifying a financial account for use in providing

guaranteed payment for said goods or services if said conditional purchase offer is

accepted (col. 6, line 36, *receiving payment information*);

compare said conditional purchase offer with seller inventory and pricing information to

determine if said conditional purchase offer is acceptable (col. 7, lines 21-23, *the bid is*

place for a certain item, once the auction is closed the system notifies the winning

bidder);

if said conditional purchase offer is unacceptable, transmit a rejection of said

conditional purchase offer to the customer (col. 7, lines 21-23, *notifying the losing*

bidding that their offer was not accepted); and

take an action to deter the customer from submitting multiple conditional

purchase offers for said goods or services, wherein said action includes limiting

additional conditional purchase offers containing a progressively increasing unit price

(col. 7, lines 54-57, *the bid validator,* col. 8, lines 5-9, *closing the auction disables the*

bids which limits the addition of increasing bid prices, and see col. 9, lines 29-31, *proxy*

bidding will allow the system to bid up to a certain amount for a bidder, but once the limit

has been reached then no further increasing bid amounts will be allowed from the

bidder).

5.   With respect to claim 100, Fisher discloses the system of claim 98, wherein said

seller inventory and pricing information includes seller-defined rules (col. 6, lines 28-30,

bid increments and quantity available).

6.   With respect to claim 101, Fisher discloses the system of claim 98, wherein the

customer accesses said web page using a web browser (col. 6, lines 2—25, *WWW*

catalogue for user viewing and bidding).

7.   With respect to claim 102, Fisher discloses the system of claim 98, wherein the customer accesses said web page which displays an electronic form containing a number of blanks to be filled out by the customer, the blanks representing conditions of the conditional purchase offer (Figure 3).

8.   With respect to claim 104, Fisher discloses the system of claim 98, wherein said financial account is a credit account (Figure 3, *entering the credit card number*).

9.   With respect to claim 107, Fisher discloses the system of claim 98, wherein said processor is further operative with said program to authenticate said conditional purchase offer prior to consideration thereof (col. 7, lines 54-57, *the bid validator*).

10.   With respect to claim 108, Fisher discloses the system of claim 107, wherein authentication of said conditional purchase offer includes acceptance of a customer credit card number (Figure 3, *entering the credit card information*).

11.   With respect to claim 138, Fisher discloses a system, comprising:
        a server providing a web page accessible by customers (col. 6, lines 5-8, *an electronic auction system to allow a group of bidders to interactively place bids over a computer network, i.e. the internet*);

a storage device storing a program (col. 6, lines 5-8, *an electronic auction system*

to allow a group of bidders to interactively place bids over a computer network, i.e. the

internet);

a processor in communication with said storage device (*inherent to the*

functionality of a computer is a processor), said processor

operative with said program to:

receive a first conditional purchase offer including an offer unit price from a

customer utilizing said web page for purchasing goods or services (col. 6, lines 34-38,

Upon accessing a public network and seeing an item's catalog page, the bidder may

press a button on the catalog page or take some similar action which causes a bid form

to be displayed on the screen. The bidder then enters the information necessary to

place a bid, such as their name and address, bid amount, payment information, etc.,

and then presses a bid submission button, or takes a similar action which sends the bid

to the system. Note that multiple purchase offers may be submitted);

receive a payment identifier specifying a financial account for use in providing

guaranteed payment for said goods or services if said first conditional purchase offer is

accepted (col. 6, line 36, *receiving payment information*);

compare said first conditional purchase offer with seller inventory and pricing

information to determine if said first conditional purchase offer is acceptable (col. 7,

lines 21-23, *the bid is place for a certain item, once the auction is closed the system*

notifies the winning bidder. Note that if a higher bid is received then the purchase offer

is no longer acceptable and an e-mail is sent out to bidder's requesting a new bid);

if said first conditional purchase offer is unacceptable, transmit a rejection of said

first conditional purchase offer to the customer (col. 7, lines 21-23, *the bid is place for a*

certain item, once the auction is closed the system notifies the winning bidder. Note that

if a higher bid is received then the purchase offer is no longer acceptable and an e-mail

is sent out to bidder's requesting a new bid); and

take an action to deter the customer from submitting a second conditional

purchase offer with an increased offer unit price for said goods or services within a

predetermined period of time after transmitting a rejection of said first conditional

purchase offer, wherein said action includes limiting additional conditional purchase

offers containing a progressively increasing unit price (col. 7, lines 54-57, *the bid*

validator, col. 8, lines 5-9, *closing the auction disables the bids which limits the addition*

of increasing bid prices, and see col. 9, lines 29-31, *proxy bidding will allow the system*

to bid up to a certain amount for a bidder, but once the limit has been reached then no

further increasing bid amounts will be allowed from the bidder).

12.   With respect to claim 139, Fisher discloses the system of claim 138, wherein said

seller inventory and pricing information includes seller-defined rules (col. 6, lines 28-30,

bid increments and quantity available).

13.   With respect to claim 140, Fisher discloses the system of claim 138, wherein the

customer accesses said web page using a web browser (col. 6, lines 2—25, *WWW*

catalogue for user viewing and bidding).

14.   With respect to claim 141, Fisher discloses the system of claim 138, wherein the customer accesses said web page which displays an electronic form containing a number of blanks to be filled out by the customer, the blanks representing conditions of the conditional purchase offer (Figure 3).

15.   With respect to claim 143, Fisher discloses the system of claim 138, wherein said financial account is a credit account (Figure 3, *entering the credit card number*).

16.   With respect to claim 144, Fisher discloses the system of claim 138, wherein said payment for said goods or services is guaranteed (*See figure 3, credit card is needed to guarantee your bid, and will not be charged unless the bid is successful. Therefore a successful bid results in the guarantee of payment*).

17.   With respect to claim 145, Fisher discloses The system of claim 138, wherein said processor is further configured to authenticate said first conditional purchase offer prior to consideration thereof (col. 7, lines 50-65, *the bid validator authenticates the bid prior to entry into the database for consideration*).

18.   With respect to claim 148, Fisher discloses a system, comprising:

a server providing a web page accessible by customers (col. 6, lines 5-8, *an electronic auction system to allow a group of bidders to interactively place bids over a computer network, i.e. the internet*);

a storage device storing a program (col. 6, lines 5-8, *an electronic auction system to allow a group of bidders to interactively place bids over a computer network, i.e. the internet*);

a processor in communication with said storage device (*inherent to the functionality of a computer is a processor*), said processor operative with said program to:

receive a conditional purchase offer including a customer defined offer unit price from a customer utilizing said web page for purchasing goods or services (*all customer bids, are customer defined offer unit prices, see also, col. 10 and col. 11 dutch auction and progressive auction where the customer sets a per unit price*);

receive a payment identifier specifying a financial account for use in providing guaranteed payment for said goods or services if said conditional purchase offer is accepted (col. 6, line 36, *receiving payment information*);

compare said conditional purchase offer with seller inventory and pricing information to determine if said conditional purchase offer is acceptable (col. 7, lines 21-23, *the bid is place for a certain item, once the auction is closed the system notifies the winning bidder*);

if said conditional purchase offer is unacceptable, transmit a rejection of said

conditional purchase offer to the customer (col. 7, lines 21-23, *notifying the losing*

bidding that their offer was not accepted); and

take an action to deter the customer from submitting multiple conditional

purchase offers for said goods or services, wherein said action includes limiting

additional conditional purchase offers containing a progressively increasing unit price

(col. 7, lines 54-57, *the bid validator,* col. 8, lines 5-9, *closing the auction disables the*

bids which limits the addition of increasing bid prices, and see col. 9, lines 29-31, *proxy*

bidding will allow the system to bid up to a certain amount for a bidder, but once the limit

has been reached then no further increasing bid amounts will be allowed from the

bidder).

19.   With respect to claim 150, Fisher discloses a system, comprising:

a server providing a web page accessible by customers (col. 6, lines 5-8, *an electronic*

auction system to allow a group of bidders to interactively place bids over a computer

network, i.e. the internet);

a storage device storing a program (col. 6, lines 5-8, *an electronic auction system*

to allow a group of bidders to interactively place bids over a computer network, i.e. the

internet);

a processor in communication with said storage device (*inherent to the*

functionality of a computer is a processor), said processor

operative with said program to:

receive a first conditional purchase offer including an offer unit price from a customer utilizing said web page for purchasing goods or services (col. 6, lines 34-38, *Upon accessing a public network and seeing an item's catalog page, the bidder may press a button on the catalog page or take some similar action which causes a bid form to be displayed on the screen. The bidder then enters the information necessary to place a bid, such as their name and address, bid amount, payment information, etc., and then presses a bid submission button, or takes a similar action which sends the bid to the system. Note that multiple purchase offers may be submitted*);

receive a payment identifier specifying a financial account for use in providing guaranteed payment for said goods or services if said conditional purchase offer is accepted (col. 6, line 36, *receiving payment information*);

compare said conditional purchase offer with seller inventory and pricing information to determine if said conditional purchase offer is acceptable (col. 7, lines 21-23, *the bid is place for a certain item, once the auction is closed the system notifies the winning bidder*);

if said conditional purchase offer is unacceptable, transmit a rejection of said conditional purchase offer to the customer (col. 7, lines 21-23, *notifying the losing bidding that their offer was not accepted*); and

take an action to deter the customer from submitting multiple incremental conditional purchase offers for said goods or services to prevent the customer from identifying a seller's selling price for accepting the conditional purchase offer (col. 10, lines 62 through col. 11, lines 10, *by using the Dutch auctioning system the seller will be*

able to allow the user to submit a bid for a product and sell different quantities at

different prices based on the best bid for the quantity offered. Thereby allowing the

selling to prevent the buyer from identifying a selling price.)

20.   With respect to claim 151, Fisher discloses a system, comprising:

a server providing a web page accessible by customers (col. 6, lines 5-8, *an electronic*

auction system to allow a group of bidders to interactively place bids over a computer

network, i.e. the internet);

       a storage device storing a program (col. 6, lines 5-8, *an electronic auction system*

to allow a group of bidders to interactively place bids over a computer network, i.e. the

internet);

       a processor in communication with said storage device (*inherent to the*

functionality of a computer is a processor), said processor

operative with said program to:

receive a conditional purchase offer including at least one customer-defined purchase

condition (col. 11, lines 1-10, *a quantity of a units may be specified see also figure 3*)

and a customer-defined offer unit price from a customer utilizing said web page for

purchasing goods or services (col. 6, lines 34-38, *Upon accessing a public network and*

seeing an item's catalog page, the bidder may press a button on the catalog page or

take some similar action which causes a bid form to be displayed on the screen. The

bidder then enters the information necessary to place a bid, such as their name and

address, bid amount, payment information, etc., and then presses a bid submission

button, or takes a similar action which sends the bid to the system. Note that multiple

purchase offers may be submitted);

receive a payment identifier specifying a financial account for use in providing

guaranteed payment for said goods or services if said conditional purchase offer is

accepted (col. 6, line 36, *receiving payment information*);

compare said customer-defined purchase condition and customer- defined offer

unit price with seller inventory and pricing information to determine if the conditional

purchase offer is acceptable (col. 7, lines 21-23, *the bid is place for a certain item, once*

the auction is closed the system notifies the winning bidder, see also figure 3, allowing

user to specify if they will or will not accept a lower quantity);

if said conditional purchase offer is unacceptable,

(i) transmit a rejection of said conditional purchase offer to the customer (col. 7, lines

21-23, *notifying the losing bidding that their offer was not accepted*); and

(ii) take an action to deter the same customer from submitting multiple conditional

purchase offers for said goods or services, wherein said action includes limiting

additional conditional purchase offers containing a progressively increasing unit price

(col. 7, lines 54-57, *the bid validator,* col. 8, lines 5-9, *closing the auction disables the*

bids which limits the addition of increasing bid prices, and see col. 9, lines 29-31, *proxy*

bidding will allow the system to bid up to a certain amount for a bidder, but once the limit

has been reached then no further increasing bid amounts will be allowed from the

bidder).

Claim Rejections - 35 USC § 103

21.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

22.   Claims 103, 105 and 142 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fisher, as applied to claim 98, in view of Godin (US Patent No.

5,890,138, granted March 30, 1999, hereinafter "Godin").

23.   With respect to claim 103, Fisher discloses the system of claim 98, Fisher does

not explicitly disclose wherein said financial account is a debit account. Godin discloses

wherein said financial account is a debit account (col. 4, line 4, *debit card*).

        Fisher and Godin are analogous art because they are in the same field of

endeavor, auctioning systems. It would have been obvious to one of ordinary skill in the

art, at the time of the invention, to modify the system of Fisher to include the

functionality of Godin, in order to authorize payment for goods or services using a debit

card. The suggestion/motivation to combine is to allow for multiple methods of payment

for goods and services.

24.   With respect to claim 105, Fisher discloses the system of claim 98. Fisher does

not explicitly disclose wherein said processor is further operative with said program to

pre-authorize said offer unit price of said conditional purchase offer with a financial

clearinghouse. Godin discloses wherein said processor is further operative with said

program to pre-authorize said offer unit price of said conditional purchase offer with a

financial clearinghouse (col. 3, lines 61 through col. 4, lines 10, *allowing the financial*

institution to real-time authorize the purchase price).

        Fisher and Godin are analogous art because they are in the same field of

endeavor, auctioning systems. It would have been obvious to one of ordinary skill in the

art, at the time of the invention, to modify the system of Fisher to include the

functionality of Godin, in order to authorize pre-payment for goods or services. The

suggestion/motivation to combine is to allow a seller to ensure payment for the goods or

services rendered.

25.   With respect to claim 142, Fisher discloses the system of claim 138, Fisher does

not explicitly disclose wherein said financial account is a debit account. Godin discloses

wherein said financial account is a debit account (col. 4, line 4, *debit card*).

        Fisher and Godin are analogous art because they are in the same field of

endeavor, auctioning systems. It would have been obvious to one of ordinary skill in the

art, at the time of the invention, to modify the system of Fisher to include the

functionality of Godin, in order to authorize payment for goods or services using a debit

card. The suggestion/motivation to combine is to allow for multiple methods of payment

for goods and services.

26.   Claims 106, 111, 146 and 147 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fisher, in view of Cathay (Cathay Pacific Airways auctions, published

April 29, 1996, hereinafter "Cathay").

27.   With respect to claim 106, Fisher discloses the system of claim 98. Fisher does

not explicitly disclose wherein said goods or services includes at least one of an airline

ticket, an automobile, insurance, computer equipment and a hotel accommodation.

Cathay discloses an online system for auctioning airline tickets (para. 1-2, *travel-related*

products). It would have been obvious to one of ordinary skill in the art, at the time of

the invention to modify the systems of Fisher to allow airline tickets to be auctioned off.

The suggestion/motivation to combine is that the system is already auctioning products,

and airline tickets have been well known products in the market for at least 40 years.

28.   With respect to claim 111, Fisher discloses the system of claim 98. Fisher does

not explicitly disclose wherein said processor is operative with said program to compare

said conditional purchase offer with seller inventory and pricing information by

accessing information in at least one of: a computer reservation system and an airline

reservation system. Fisher discloses checking the inventory of items during the bid

process, and Cathay discloses an online system for auctioning airline tickets (para. 1-2,

travel-related products). It would have been obvious to one of ordinary skill in the art, at

the time of the invention to modify the systems of Fisher to allow ticket inventories to be

checked. The suggestion/motivation to combine is that the system is already checking

inventory, and airline tickets have been well known products in the market for at least 40

years.

29.   With respect to claim 146, Fisher discloses the system of claim 138. Fisher does

not explicitly disclose wherein said goods or services includes at least one of an airline

ticket, an automobile, insurance, computer equipment and a hotel accommodation.

Cathay discloses an online system for auctioning airline tickets (para. 1-2, *travel-related*

products). It would have been obvious to one of ordinary skill in the art, at the time of

the invention to modify the systems of Fisher to allow airline tickets to be auctioned off.

The suggestion/motivation to combine is that the system is already auctioning products,

and airline tickets have been well known products in the market for at least 40 years.

30.   With respect to claim 147, Fisher discloses the system of claim 138. Fisher does

not explicitly disclose wherein said processor is operative with said program to compare

said conditional purchase offer with seller inventory and pricing information by

accessing information in at least one of: a computer reservation system and an airline

reservation system. Fisher discloses checking the inventory of items during the bid

process, and Cathay discloses an online system for auctioning airline tickets (para. 1-2,

travel-related products). It would have been obvious to one of ordinary skill in the art, at

the time of the invention to modify the systems of Fisher to allow ticket inventories to be

checked. The suggestion/motivation to combine is that the system is already checking

inventory, and airline tickets have been well known products in the market for at least 40

years.

31.   Claim 149 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher,

in view of Godin, and in further view of Cathay (Cathay Pacific Airways auctions ...,

published April 29, 1996, hereinafter "Cathay").

32.   With respect to claim 149, Fisher discloses a system, comprising:

a server providing a web page accessible by customers (col. 6, lines 5-8, *an electronic*

auction system to allow a group of bidders to interactively place bids over a computer

network, i.e. the internet);

        a storage device storing a program (col. 6, lines 5-8, *an electronic auction system*

to allow a group of bidders to interactively place bids over a computer network, i.e. the

internet);

        a processor in communication with said storage device (*inherent to the*

functionality of a computer is a processor), said processor

operative with said program to:

        receive a conditional purchase offer including an customer-defined offer unit

price (col. 6, lines 34-38, *Upon accessing a public network and seeing an item's catalog*

page, the bidder may press a button on the catalog page or take some similar action

which causes a bid form to be displayed on the screen. The bidder then enters the

information necessary to place a bid, such as their name and address, bid amount,

payment information, etc., and then presses a bid submission button, or takes a similar

action which sends the bid to the system. Note that multiple purchase offers may be

submitted), from a customer utilizing said web page for purchasing travel-related

products;

receive a payment identifier specifying a financial account for use in providing

guaranteed payment for said goods or services if said conditional purchase offer is

accepted (col. 6, line 36, *receiving payment information*);

compare said conditional purchase offer with seller inventory and pricing

information to determine if said conditional purchase offer is acceptable (col. 7, lines 21-

23, *the bid is place for a certain item, once the auction is closed the system notifies the*

winning bidder);

if said conditional purchase offer is unacceptable, transmit a rejection of said

conditional purchase offer to the customer (col. 7, lines 21-23, *notifying the losing*

bidding that their offer was not accepted); and

take an action to deter the customer from submitting multiple conditional

purchase offers for said goods or services, wherein said action includes limiting

additional conditional purchase offers containing a progressively increasing unit price

(col. 7, lines 54-57, *the bid validator,* col. 8, lines 5-9, *closing the auction disables the*

bids which limits the addition of increasing bid prices, and see col. 9, lines 29-31, *proxy*

bidding will allow the system to bid up to a certain amount for a bidder, but once the limit

has been reached then no further increasing bid amounts will be allowed from the

bidder).

Fisher does not explicitly disclose if said conditional purchase offer is acceptable, transmit a purchase indicator to a third party for payment pre-authorization; or from a customer utilizing said web page for purchasing travel-related products. Godin discloses if said conditional purchase offer is acceptable, transmit a purchase indicator to a third party for payment pre-authorization (col. 7, lines 22-25, *financial information is transmitted to the financial institution for immediate authorization. Note also Godin allows for the storage of financial information, or pre-registering*).

Fisher and Godin are analogous art because they are in the same field of endeavor, auctioning systems. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify the system of Fisher to include the functionality of Godin, in order to authorize payment for goods or services. The suggestion/motivation to combine is to allow security and ensure payment for goods or services rendered.

The combination of Fisher and Godin does not disclose from a customer utilizing said web page for purchasing travel-related products. Cathay discloses an online system for auctioning airline tickets (para. 1-2, *travel-related products*). It would have been obvious to one of ordinary skill in the art, at the time of the invention to modify the systems of Fisher and Godin to allow airline tickets to be auctioned off. The suggestion/motivation to combine is that the system is already auctioning products, and airline tickets have been well known products in the market for at least 40 years.

33.   Claims 99 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fisher, as applied to claim 98, in view of Spallone (US Patent No. 4,959,686,

granted September 1990, herein "Spallone").

34.   With respect to claim 99, Fisher discloses the system of claim 98, Fisher does

not explicitly disclose wherein said conditional purchase offer includes an expiration

date. Spallone discloses wherein said conditional purchase offer includes an expiration

date (col. 5, line 65 through col. 6 line 3, *the expiration time is a period of 30 seconds*

without entering a command, at which point the offer is abandoned).

        Fisher and Spallone are analogous art because they are in the same field of

endeavor, online buying systems. It would have been obvious to one of ordinary skill in

the art, at the time of the invention to modify the system of Fisher to include the

functionality of Spallone, to allow an expiration of an offer. The suggestion/motivation to

combine is to limit the period of time the offer is avialable.

35.   With respect to claim 110, Fisher discloses the system of claim 98. Fisher does

not explicitly disclose wherein said action includes limiting additional conditional

purchase offers that a customer can submit within a predefined period of time. Spallone

discloses wherein said action includes limiting additional conditional purchase offers

that a customer can submit within a predefined period of time (col. 5, line 65 through

col. 6 line 3, *the customer is limited from submitting the offer if a period of 30 seconds has elapsed without entering data during the offer process*).

Fisher and Spallone are analogous art because they are in the same field of endeavor, online buying systems. It would have been obvious to one of ordinary skill in the art, at the time of the invention to modify the system of Fisher to include the functionality of Spallone, to allow an limitations on offer numbers. The suggestion/motivation to combine is to limit the users from repeatedly increasing the offer in rapid succession.

Response to Arguments

36.   Applicant's arguments with respect to claims 98-108, 110, 111 and 138-151 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY A. BURKE whose telephone number is (571)270-3844. The examiner can normally be reached on M-R: 7:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff A Burke/   /James Trujillo/
Examiner, Art Unit 2169   Supervisory Patent Examiner, Art
                                                  Unit 2169